

# EXHIBIT 30

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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SEYED MOHSEN HOSSEINI-SEDEHY	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>Civil Action No. 04-11948-RGS</b>
	)	
ERIN T. WITHTHINGTON	)	
Defendant.	)	
	)	

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**AFFIDAVIT**

I, Timothy Pomarole, an employee in the Suffolk District Attorney's Office, hereby state:

1. I am an assistant district attorney with the Suffolk County District Attorney's Office and am currently assigned to the Appellate Unit and Office of the Legal Counsel. In that capacity, I routinely respond to public records requests and other, similar matters.
2. On August 4, 2005, this office, through counsel, complied with a July 29, 2005 order of the United States District Court and sent the following documents from the Suffolk County District Attorney's Office's file in *Commonwealth v. Mohsen Hosseni* (0401CR001774) to the plaintiff in the above-mentioned case: (1) documents identified by Bates Stamp Nos. 430, 436, 438, 439, 440, 446, 448, 453 and 462-465; (2) documents identified by Bates Stamp Nos. 454-455 with the e-mail response from Stacey Fortes-White redacted; (3) the documents identified with Bates Stamp Nos. 457-458 with the opinion expressed in the final sentence redacted; and (4) the documents identified with Bates Stamp Nos. 459-461 with the opinion expressed in the final sentence redacted.  
These documents are the only documents in the Suffolk District Attorney Office which are responsive to the United States District Court's July 29, 2005 order.
3. Upon receipt of the subpoena duces tecum dated September 23, 2005 in the above-entitled case, I have reviewed the Suffolk County District Attorney's Office's file in *Commonwealth v. Mohsen Hosseni* (0401CR001774). I retrieved this case file from the office of the Suffolk County District Attorney's Office Boston Municipal Court department. This case file was kept in the course of the regularly conducted activity of the Suffolk District Attorney's Office. Furthermore, the file *Commonwealth v. Mohsen Hosseni* (0401CR001774) was made by the regularly conducted activity as a regular practice of the Suffolk District Attorney's Office. I could not find any other files relating to this case. To the best of my knowledge, this file is the only record in the possession of the Suffolk County District Attorney's Office.

4. In addition, I spoke with Assistant District Attorney David Deakin, Chief of the Family Protection and Sexual Assault Unit. Together, we reviewed the file, along with the documents provided to the plaintiff in the above-mentioned case by order of the United States District Court dated July 29, 2005, checked his e-mail archive, and a tracking spread sheet. There was no indication that this case ever passed through the Family Protection and Sexual Assault Unit. Nor did he recall ever having any involvement in the case.
5. I spoke also with Assistant District Attorney Joseph Eisenstadt. His involvement with the case commenced after March 22, 2004. The case was arraigned by an assistant district attorney who has since left the employ of the Suffolk County District Attorney's Office. He does not recall receiving any materials other than those reflected in the case file.
6. Finally, I spoke with the current Chief of the Office's Boston Municipal Court Division, Susan Terrey. She informed me that, in the Boston Municipal Court, this office rarely receives police reports prior to the date of arraignment. It is the custom and practice of this office that, if any information is received prior to arraignment, generally it is because the case had been dismissed earlier for want of prosecution.
7. After an exhaustive search of the above-mentioned file, I found no documents, records, reports, memoranda, or other writings, including but not limited to police reports responsive to item (1) of Schedule A in the September 23, 2005 subpoena. This Office does not have any reports which were provided prior to March 22, 2004. With respect to reports on or after March 22, 2004, the only reports in the file are those Bates-stamped 436, 439, and 432. It is not evident on the face of these reports when we received them and there is no other record indicating when we received them. (It is probable, however, that we received them the day of arraignment).
8. After an exhaustive search of the above-mentioned file, I found no documents, records, reports, memoranda, or other writings, including but not limited to police reports responsive to item (2) of Schedule A in the September 23, 2005 subpoena. The only reports are those Bates-stamped 436, 439, and 432.
9. After an exhaustive search of the above-mentioned file, I found no documents, records, reports, memoranda, or other writings responsive to item (3) of Schedule A in the September 23, 2005 subpoena. The file contains no record of any communication between Detective Schroeder and this office on or before March 22, 2004. Furthermore, neither assistant district attorney David Deakin, nor assistant district attorney Joseph Eisenstadt have any recollection of any such conversation on or before March 22, 2004.
10. After an exhaustive search of the above-mentioned file, I found no documents, records, reports, memoranda, or other writings responsive to item (4) of Schedule A in the September 23, 2005 subpoena. The file contains no records indicating receipt of items (a)-(d). Additionally, neither assistant district attorney David Deakin, nor assistant district

attorney Joseph Eisenstadtor have any recollection of having received these reports.

Signed under the pains and penalties of perjury in the United States of America on this 11th day of October, 2005.

Respectfully submitted,

  
Timothy Pomarole  
Assistant District Attorney

Dated: October 11, 2005

Lorraine C. Blute

Notary Public

My Commission Expires: February 18, 2012

**EXHIBIT ONE**

## SCHEDULE A

- (1) All police reports provided by the Boston Police Department to the Suffolk County District Attorney, including David Deakin, Joseph Eisenstadt, or any member of the sexual assault unit, **on or before March 22, 2004** concerning the investigation into allegations made by Joseph Bavis against Mohsen Hosseini-Sedehy, which provided the basis for the criminal case styled Commonwealth of Massachusetts v. Mohsen Hosseni, Boston Municipal Court Docket No. 0401CR001774.
- (2) All police reports provided by the Boston Police Department to the Suffolk County District Attorney concerning the criminal case styled Commonwealth of Massachusetts v. Mohsen Hosseni, Boston Municipal Court Docket No. 0401CR001774.
- (3) All communications between Detective Erin Schroeder (A.K.A. Erin T. Withington) or any other member of the Boston Police Department and the Suffolk District Attorney's office **on or before March 22, 2004** concerning the investigation and prosecution of allegations against Mohsen Hosseini-Sedehy that provided the basis for the the criminal case styled Commonwealth of Massachusetts v. Mohsen Hosseini, Boston Municipal Court Docket No. 0401CR001774.
- (4) The date on which the Suffolk County District Attorney received the following police reports concerning the investigation and prosecution of allegations against Mohsen Hosseini-Sedehy:
  - (a) Report of Erin Schroeder, Boston Police Sexual Assault Unit, Follow Up Investigation Report, dated October 7, 2004, see Exhibit 1 attached;
  - (b) Report of Erin Schroeder, Sexual Assault Unit – Case Update, see Exhibit 2 attached;
  - (c) Report of Erin Schroeder, Sexual Assault Unit – Case Update 2, see Exhibit 3 attached; and,
  - (d) Report of Erin Schroeder, Sexual Assault Unit – Case Update 3, see Exhibit 4 attached.

## **EXHIBIT TWO**



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108-1598

THOMAS F. REILLY  
ATTORNEY GENERAL

(617) 727-2200  
[www.ago.state.ma.us](http://www.ago.state.ma.us)

August 4, 2005

Mr. Gerard A. Butler, Jr., Esq.  
Smith & Duggan  
Lincoln North  
55 Old Bedford Road  
Lincoln, Massachusetts 01773

RE: *Seyed Mohsen Hosseini-Sedehy v. Erin T. Withington, et al.*,  
U.S.D.C. No. 04-11948-RGS

**Suffolk District Attorney's Response to the July 29, 2005 Court Order**

Dear Mr. Butler:

Enclosed is the Suffolk District Attorney's Office response to the July 29, 2005 order in the above-mentioned case, including copies of the following:

- 1) Bates Stamp No. 430 - the unsigned June 14, 2004 Nolle Prosequi in Commonwealth v. Mohsen Hosseni.
- 2) Bates Stamp No. 436 - Boston Police Incident Report of Sexual Assault.
- 3) Bates Stamp No. 438 - Application for Criminal Complaint No. 2004-1774.
- 4) Bates Stamp No. 439 - Boston Police Incident Report of Sexual Assault.
- 5) Bates Stamp No. 440 - Adult Record Information of Mohsen Hosseni.
- 6) Bates Stamp No. 446 - May 14, 2004 notice to Erin Schroeder to appear on June 10, 2004 in the BMC..
- 7) Bates Stamp No. 448 - Incident History for #PD040143112.



- 8) Bates Stamp No. 453 - May 27, 2004 Fax Cover Sheet for Erin Schroeder from "Lois."
- 9) Bates Stamp Nos. 462-465 - Adult Record Information of Mohsen Hösseni.
- 10) Bates Stamp Nos. 454-455 - E-mails between ADA Eisenstadt and ADA Fortes-White with the e-mail from Stacey Fortes-White redacted.
- 11) Bates Stamp Nos. 457-458- District Attorney Internal Memorandum Commonwealth v. Hosseni - Dated June 6, 2004 signed by ADA Eisenstadt- with the opinion expressed in the final sentence redacted.
- 12) Bates Stamp Nos. 459-461 - District Attorney Internal Memorandum Commonwealth v. Hosseni - Dated June 11, 2004 unsigned.

Thank you for your cooperation in this matter.

Sincerely,



Eva M. Badway  
Assistant Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108  
(617) 727-2200 Ext. 2824

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Boston Municipal Court  
Criminal Court Division  
No. 04-1774

COMMONWEALTH

v.

MOHSEN HOSSENI

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**NOLLE PROSEQUI**

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Now comes the Commonwealth in the above-captioned matter and enters a nolle prosequi in accordance with Mass. R. Crim P. 16(a). After thorough investigation of this matter, the Commonwealth determined that there is insufficient evidence to proceed against the Defendant on the charge indecent assault and battery. This Nolle Prosequi is filed in the interests of justice.

Respectfully submitted  
For the Commonwealth,

DANIEL F. CONLEY  
DISTRICT ATTORNEY

By: \_\_\_\_\_

Joseph Eisenstadt  
Assistant District Attorney

Dated: June 14, 2004

000100

# BOSTON POLICE INCIDENT REPORT

ORIGINAL  SUPPLEMENTARY 

KEY SITUATIONS <b>SEXUAL ASSAULT</b>		COMPLAINT NO 040143112	REPORT DIST. D4	CLEARANCE DIST.			
TYPE OF INCIDENT <b>ARREST WARRANT EXECUTION</b>	CRIME CODE 0	STATUS	DATE OF OCCUR. A.01/01/03	B. 03/22/04			
LOCATION OF INCIDENT 900 BOYLSTON ST	APT.	DISPATCH TIME	TIME OF OCCUR. A.12:00 AM	B.12:00 AM			
VICTIM-COMP. (LAST, FIRST, MI) COMM OF MASS	PHONE	SEX	RACE	MARITAL STATUS			
ADDRESS	APT.	OCCUPATION	AGE 0	D.O.B.			
PERSON REPORTING DET ERIN SCHROEDER	ADDRESS		APT.	PHONE			
WAS THERE A WITNESS TO THE CRIME							
PERSON INTERVIEWED	AGE	LOCATION OF INTERVIEW	APT.	HOME ADDRESS	APT.	TELEPHONE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
							RES BUS
NUMBER OF PERPETRATORS: 1 — CAN SUSPECT BE IDENTIFIED AT THIS TIME							<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
P E R S O N S	STATUS <b>ARRESTED</b>	NAME (LAST, FIRST, MI) HOSSEINI MOHSEN	S.S. NO. 000-00-0000	BOOKING NO. 20040051904	PHOTO NO.	ALIAS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
WARRANT NO. 0401CR001774	ADDRESS 106 13TH STREET, CHARLESTOWN, MA, 00000-0000	SEX MALE	RACE EAST INDIAN	AGE 42	HEIGHT/DOB 5-09 10/11/1961		
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)	WEIGHT 155	BUILD THIN	HAIR BLACK	EYES BROWN			
CAN SUSPECT VEHICLE BE DESCRIBED							<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
V E H I C L E S	STATUS	REG. STATE	REG. NO.	PLATE TYPE	YEAR(EXP)	MODEL	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
VEHICLE MAKE YEAR	VEHICLE NO.			STYLE	COLOR(TOP-BOTTOM)		
OPERATOR'S NAME				LICENSE NO.	STATE OPERATOR'S ADDRESS		
OWNER'S NAME				OWNER'S ADDRESS			
CAN PROPERTY BE IDENTIFIED							<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
P R O P E R T Y	STATUS	TYPE OF PROPERTY	SERIAL OR IDENT-GUARD NO.	BRAND NAME-DESCRIPTION	MODEL	VALUE	UCR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
MO	TYPE OF WEAPON-TOOL	NEIGHBORHOOD		TYPE OF BUILDING	PLACE OF ENTRY		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
WEATHER	LIGHTING		TRANSPORTATION OF SUSPECT	VICTIM'S ACTIVITY			
UNUSUAL ACTIONS AND STATEMENTS OF PERPETRATOR					RELATIONSHIP TO VICTIM		
IS THERE ANY PHYSICAL EVIDENCE (DESCRIPTION AND DISPOSITION IN NARRATIVE)							<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
IS THERE ANY OTHER REASON FOR INVESTIGATION (REASON BELOW)							<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
BLOCK NARRATIVE AND ADDITIONAL INFORMATION NO. ABOVE SUSPECT WAS ARRESTED ON WARRANT #0401CR001774 OUT OF BMC FOR 1 COUNT INDECENT ASSAULT & BATTERY ON A PERSON OVER 14 AT 900 BOYLSTON ST. THE SUSPECT WAS TRANSPORTED TO D4 BY D20ID AND BOOKED W/O INCIDENT.							<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
UNIT ASSIGNED V831	TOUR OF DUTY 2	REPORTING OFFICER'S NAME ERIN T SCHROEDER	REPORTING OFFICER'S SIGNATURE		REPORTING OFFICER'S ID 11456	PARTNER'S ID F1 NO	
DATE OF REPORT 03/22/04	SPECIAL UNITS NOTIFIED (REPORTING) SEXUAL ASSAULT UNIT					TELETYPE NO.	
TIME COMPLETED 01:17 PM	PAT. SUP. NAME KIM L GADDY	DUTY SUP. NAME KIM L GADDY	DUTY SUP. SIGNATURE		DUTY SUP. ID 8636		

000436

## APPLICATION FOR COMPLAINT

Case 1:04-cv-11948-RGS

Document 34-32

Filed 11/14/2005

Page 12 of 28

Trial Court of Massachusetts

Boston Municipal Court

Criminal Division, Room 401

Fourth Floor, New Court House

Boston, MA 02108

 ARREST HEARING SUMMONS WARRANT

The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.

DATE OF APPLICATION 3/22/2004	DATE OF OFFENSE 3/22/2004	PLACE OF OFFENSE 900 Boylston Street, Boston
----------------------------------	------------------------------	---

Boston Municipal Court

Criminal Division, Room 401

Fourth Floor, New Court House

Boston, MA 02108

NAME, ADDRESS AND ZIP CODE OF COMPLAINANT

Detective Erin Schroeder

#11456 SAW

91 East Concord Street

Boston, MA 02118

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Mohsen Hosseni

106 13th Street #120

Charlestown, MA

NO.	OFFENSE	G.L. Ch. and Sec
1.	Indecent Assault & Battery over 14 y.o	265/13H 2&5: 0134
2.	Assault & Battery <i>D.E.n.i.d</i>	<i>M.S.C.</i>
3.	Assault & Battery <i>D.E.n.i.d</i>	<i>M.S.C.</i>
4.		

IF ADDITIONAL OFFENSES CHECK HERE.  AND ATTACH.

## DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.

C.C. # 040143112	DATE OF BIRTH 10/11/61	SEX M	RACE O	HEIGHT 5'9	WEIGHT 160	EYES Bro	HAIR Blk	SOCIAL SECURITY NUMBER
---------------------	---------------------------	----------	-----------	---------------	---------------	-------------	-------------	------------------------

COURT USE ONLY →	A hearing upon this complaint application will be held at the Boston Municipal Court, Rm. 411 on	DATE OF HEARING	TIME OF HEARING	COURT USE ← ONLY
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## CASE PARTICULARS — BE SPECIFIC

NO.	NAME OF VICTIM Owner of property, person assaulted, etc.	DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.	VALUE OF PROPERTY Over or under \$100.	TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.
1	Victim Known to Commonwealth 47 y.o Male			
2				
3				
4				

OTHER REMARKS: Above suspect did touch the victim's buttocks and rub his covered crotch against the suspect on 1 occassion in 2003 and on Sunday February 29, 2004 and Monday March 22, 2004 did rub the victim's arms and shoulders after being asked not to touch him by the victim.

SIGNATURE OF COMPLAINANT

## IF PROCESS IS ORDERED, THIS APPLICATION MUST BE PRESENTED AT ONCE TO PLEADING CLERK AT ROOM 411

NAMES OF WITNESSES	Recog. to S.C.	Give place of business or employment, if in Boston, otherwise, residence	ST. NO.
		MARCH 22, 2004 ON	
		DET SCHROEDER A.M.A.D.	
		TESTIMONY ALLOWED	
		WITNESS TO ISSUE O	
		MARSH CONCORD 213	

State if defendant is arrested \_\_\_\_\_

Date of Arrest APR. 14, 2004 Denied 000439

**BOSTON POLICE  
INCIDENT REPORT**

ORIGINAL  SUPPLEMENTARY 

KEY SITUATIONS <b>SEXUAL ASSAULT</b>			COMPLAINT NO <b>040143112</b>	REPORT DIST. <b>D4</b>	CLEARANCE DIST.
TYPE OF INCIDENT <b>SEX-ASSAULT, INDECENT A&amp;B (14 + )</b>		CRIME CODE <b>0</b>	STATUS <b>A.01/01/03</b>	DATE OF OCCUR. <b>A.01/01/03</b>	B. 03/22/04
LOCATION OF INCIDENT <b>900 BOYLSTON ST</b>		APT.	DISPATCH TIME	TIME OF OCCUR. <b>A.12:00 AM</b>	B.12:00 AM
FIRST, MI)	PL-DRG	SEX MALE	RACE WHITE NON-HISPANIC	MARITAL STATUS UNMARRIED	
ADDRESS	APT.	OCCUPATION TEAMSTER	AGE 47	D.S.	
PERSON REPORTING SAME	ADDRESS		APT.	PHONE	
WAS THERE A WITNESS TO THE CRIME					
PERSON INTERVIEWED	AGE	LOCATION OF INTERVIEW	APT.	HOME ADDRESS	APT. TELEPHONE
					<input type="checkbox"/> YES NO <input checked="" type="checkbox"/> RES BUS
NUMBER OF PERPETRATORS : 1 ---- CAN SUSPECT BE IDENTIFIED AT THIS TIME					
STATUS <b>SUSPECT</b>	NAME (LAST, FIRST, MI) <b>HOSSENI, MOHSEN</b>		S.S. NO. <b>000-00-0000</b>	BOOKING NO. <b>00000000</b>	PHOTO NO. <input checked="" type="checkbox"/> YES NO ALIAS
WARRANT NO.	ADDRESS <b>106 13TH STREET, CHARLESTOWN, MA, 00000-0000</b>	SEX MALE	RACE UNKNOWN	AGE 42	HEIGHT DOB 5-09 10/11/1961
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)		WEIGHT <b>155</b>	BUILD <b>THIN</b>	HAIR <b>BLACK</b>	EYES <b>BROWN</b>
CAN SUSPECT VEHICLE BE DESCRIBED					
STATUS	REG. STATE	REG. NO.	PLATE TYPE	YEAR(EXP)	MODEL
VEHICLE MAKE YEAR	VEHICLE NO.		STYLE	COLOR(TOP-BOTTOM)	
OPERATOR'S NAME			LICENSE NO.	STATE OPERATOR'S ADDRESS	
OWNER'S NAME			OWNER'S ADDRESS		
CAN PROPERTY BE IDENTIFIED					
PROPERTY	STATUS	TYPE OF PROPERTY	SERIAL OR I-DENTI-GUARD NO.	BRAND NAME-DESCRIPTION	MODEL
					VALUE <input type="checkbox"/> UCR <input checked="" type="checkbox"/> YES NO
IS THERE A SIGNIFICANT M.O.					
M.O.	TYPE OF WEAPON-TOOL	NEIGHBORHOOD	TYPE OF BUILDING	PLACE OF ENTRY	
				<input type="checkbox"/> YES NO	
	WEATHER	LIGHTING	TRANSPORTATION OF SUSPECT	VICTIM'S ACTIVITY	
UNUSUAL ACTIONS AND STATEMENTS OF PERPETRATOR			RELATIONSHIP TO VICTIM		
IS THERE ANY PHYSICAL EVIDENCE (DESCRIPTION AND DISPOSITION IN NARRATIVE)					
IS THERE ANY OTHER REASON FOR INVESTIGATION (REASON BELOW)					
BLOCK NARRATIVE AND ADDITIONAL INFORMATION					
NO.	IN 2003 THE SUSPECT TOUCHED THE VICTIM ON THE BUTTOCKS AND RUBBED HIS COVERED CROTCH AGAINST THE VICTIM AGAINST HIS WILL AND IN FEB 29 & MARCH 22, 2004 TOUCHED AND CARESSSED THE VICTIM ON HIS LOWER BACK AND ARMS AND HANDS AGAINST THE VICTIM'S WILL. THESE INCIDENTS TOOK PLACE AT 900 BOYLSTON STREET THE HYNES CONVENTION CENTER WHILE THE VICTIM WAS WORKING FOR THE SUSPECT.				
UNIT ASSIGNED <b>V831</b>	TOUR OF DUTY <b>2</b>	REPORTING OFFICER'S NAME <b>ERIN T SCHROEDER</b>	REPORTING OFFICER'S SIGNATURE	REPORTING OFFICER'S ID <b>11456</b>	PARTNER'S ID <input type="checkbox"/> FI <input checked="" type="checkbox"/> NO
DATE OF REPORT <b>03/22/04</b>	SPECIAL UNITS NOTIFIED (REPORTING) <b>SEXUAL ASSAULT UNIT</b>				TELETYPE NO.
TIME COMPLETED <b>10:50 AM</b>	PAT. SUP. ID	DUTY SUP. NAME <b>THOMAS P MALONEY</b>	DUTY SUP. SIGNATURE	DUTY. SUP. ID <b>6660</b>	

000439.

PRIM NAME: HOSSENI, MOHSEN

DOB: 10/11/1961 PCF#:2916076

SEX: M SS #: 485-94-4815 MOTHER: REZVAN

FATHER: MAJD

HOME ADDR :106 13TH ST. APT 120. CHARLESTOWN, MA POB: IR

ZIP CODE : 02129-

ETHNICITY: HGT: 509 WGT: 160 HAIR: BLACK EYES: BROWN

DT: 03/22/2004 BOS CRT: BOSTON MUNICIPAL DISTRICT( 1) DKT# 0401CR1774A

OFFENSE: INDECENT ASSLT&amp;BATTERY PERSON (A&amp;B IND PERS) 14 OR OVER

DISPOSITION: C 4/16/04 STATUS: OPEN

000440



**Commonwealth of Massachusetts  
Suffolk County District Attorney's Office  
Daniel F. Conley**

**DATE: May 14, 2004**

**OFFICER:** Det. Erin Schroeder  
**I. D. Number:** 11456  
**STATION:** SAU

**YOU ARE HEREBY NOTIFIED TO APPEAR AND GIVE TESTIMONY**

**Appearance Date:** June 10, 2004  
**Event:** Trial-Room 30  
**Time:** 8:30 A.M.  
**Place:** Boston Municipal Court, J.W. McCormack Post Office & Courthouse, 90 Devonshire Street, Boston, MA 02109

**Commonwealth v** Hosseni, Mohsen

**Charges:** Indecent A&B on Person 14 or Over

**Incident Number:** 040143112

**Incident Date:** 12/22/2003

**Docket Number:** 04-1774

**ADA Assigned:** Joseph Eisenstadt

**Phone Number:** 617-619-4050

**Fax Number:** 617-619-4060

**\*\*\*\*\*NOTE\*\*\*\*\***

- Officers shall notify A.D.A. and Police Room as soon as possible if unavailable to appear on above date.
- Officers should bring any and all evidence.

**000446**

Incident History for: #PD040143112

Entered 03/22/04 10:14:00 BY PHQ30 8784  
Closed 03/22/04 10:14:00

Initial Type: ABRPT Final Type: ABRPT (ASSAULT/BATTERY REPORT)  
Initial Priority: 7 Final Priority: 7  
Disposition: RPT Source: T Primary Unit:  
Police BLK: 0414300 Fire BLK: 13-1573 EMS BLK: 0106110  
Group: 04 Beat: 3 Map Page: 1023  
Loc: 900 BOYLSTON ST ,SE -- CONV HYNES CENTER btwn EXETER ST & DALTON (V)  
Name: Addr: Phone:

/101400 (8784 ) ADVISD NO FURTHER INFORMATION  
/101400 GDISPO D/RPT - REPORT

00C448

**CONFIDENTIAL****Facsimile Transmittal**

Boston Police Department  
Sexual Assault Unit  
91 East Concord Street  
Boston, Massachusetts 02118  
Telephone: (617) 343-4400  
Fax: (617) 343-4861

Date: 5/27/04

Please forward the following number of faxed pages  
(including cover sheet)  
to the following individual:

TO: Name: ADA Joseph EISENSTADT  
Agency/Department: DA's office

FROM: Name: Detective ERIN SCHREDER (Detective)  
Agency/Department: Sexual Assault Unit

**\*\*Confidentiality Note\*\***

The documents accompanying this facsimile transmission contain information from the Sexual Assault Unit which are CONFIDENTIAL AND/OR PRIVILEGED. The information is intended to be for the use of the individual or entity named on this transmittal sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately.

If you do not receive all pages of this transmission or it is unreadable please contact us immediately.  
Thank You.

\* Detective Schreder is on  
MATERNITY LEAVE and will  
not be available for ct.

Lois 000453  
-1-

\*\*\*\*\* INTERSTATE IDENTIFICATION INDEX QH QUERY \*\*\*\*\*  
PUR/ C ATN/ ADA EISENSTADT  
AUTH/ SCDAO  
OPR/ MACPHERSON

SUBJECT INFORMATION:

NAM/ HOSSEINI-SEDEHY, MOHSEN SOC/ 485944815  
RAC/ U SEX/ M DOB/ 19611011  
FBI/ SID/ MNU/

INTERSTATE INDEX

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\*\*\* \*\*\*\* \*\*\*

\*\*\* DATE 061104 EST 1006 DEA MA013015A \*\*\*

\*\*\* QH COMPLETED \*\*\*

\*\*\*\*\*

INTERSTATE INDEX

> <

LIBR

CJIS 216247 06/11/2004 1006 S0751/6245  
IN.

2L01III QUERY

MA013015A

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR  
INQUIRY ON NAM/HOSSEINI-SEDEHY, MOHSEN SEX/M RAC/U DOB/19611011  
SOC/485944815 PUR/C

NAME FBI NO. INQUIRY DATE  
HOSSEINI-SEDEHY, MOHSEN 28238EC3 2004/06/11

SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR BIRTH PLACE PHOTO  
M A 1961/10/11 510 145 BRO BLK IRAN Y

INGERPRINT CLASS

PATTERN CLASS  
WU LS RS LS RS LS RS LS LS  
WU WU WU WU LS WU  
WU AU

006462

SOCIAL SECURITY  
85-94-4815

IDENTIFICATION DATA UPDATED 2004/03/22

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:

MASSACHUSETTS - STATE ID/MA10200080

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END. >-<

000463

CJIS 216600 06/11/2004 1008

S1245/6245.

\*\*\*\*\* INTERSTATE IDENTIFICATION INDEX QR QUERY  
PUR/ C ATN/ ADA EISENSTADT  
AUTH/ SCDAO  
OPR/ MACPHERSON

## SUBJECT INFORMATION:

NAM/ HOSSEINI-SEDEHY, MOHSEN  
FBI/ SID/ MA10200080

## MAILING ADDRESS:

DPT/  
BLD/  
ADR/  
CIS/  
ZIP/

\*\*\*\*\*

\*\*\* \*\*\*\*\* \*\*\*

\*\*\* DATE 061104 EST 1008 DEA MA013015A \*\*\*

\*\*\* QR COMPLETED \*\*\*

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&gt; &lt;

CJIS 216600 06/11/2004 1008 S0751/6245.

UN.

2L01III QUERY

MA013015A

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR RECORD REQUEST FOR SID/MA10200080. THE RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE. THE INTERSTATE IDENTIFICATION INDEX CONTAINS NO ADDITIONAL DATA.

END.&gt;-&lt;

00046

CJIS 216953 06/11/2004 1009 S1245/6245.

\*\*\*\*\* WARNING \*\*\*\*\* WARNING \*\*\*\*\*

THIS INFORMATION IS CORI. IT IS NOT SUPPORTED BY FINGERPRINTS.  
 PLEASE CHECK THAT THE NAME REFERENCED BELOW MATCHES THE NAME AND DATE OF BIRTH  
 OF THE PERSON REQUESTED.

\*\*\*\*\* COMMONWEALTH OF MASSACHUSETTS \*\*\*\*\*  
CRIMINAL HISTORY SYSTEMS BOARD

## \*\*\* PERSONS COURT SUMMARY \*\*\*

NAM: HOSSENI, MOHSEN FORMAE-NAM: MOHSEN PCF: 00002916076  
 DOB: 10/11/61 SEX: M RAC: POB: IR SSN: 485944815  
 MOM: REZVAN POP: MAJD HGT: 509 WGT: 160 HAI: BLK EYE: BRO  
 ADDRESS: 106 13TH ST. APT 120. CHARLESTOWN, MA

## \*\*\*\*\* ADULT APPEARANCES \*\*\*\*\*

ARRAIGNMENT: (001)

ARG-DATE: 03/22/04 PD: BOS COURT: BOSTON DISTRICT  
 OFF: INDECENT ASSLT&BATTERY PERSON 14 OR OVER  
 DISP: C 6/10/04

DKT#: 0401CR1774A  
 A&B IND PERS  
 STATUS: O WPD:

## \*\*\*\*\* END OF ADULT APPEARANCES \*\*\*\*\*

REQUESTED BY: ADA EISENSTADT

COMPLETED BY: MACPHERSON, ERIC

AGENCY: SUFFOLK DA - SPECIAL INVEST UN

000463

**Eisenstadt, Joseph (SUF)**

**To:** Fortes-White, Stacey (SUF)  
**Subject:** RE: Commonwealth v Hussein

I think I've narrowed down the date problem. It looks to me like the police report refers to an indecent A+B in December 2003 and then other A+Bs on the 2004 dates. The complaint only issued for the indecent A+B in December of 2003. It looks like that's the only incident we're dealing with here. On the February date referred to in the police report, it is my understanding that there was no GES convention being set up or taken down. The March date referred to was the day that Hosseini was arrested so that couldn't be the incident date.

The incident supposedly occurred near the loading dock of the Hynes Convention Center. I'm unsure of the time of day.

I've been provided with disability claims filled out by the victim indicated he was out on disability for all of 2003. He first went on disability in November of 2002 and was not cleared to return to work until February 12, 2004.

I spoke to Bavis over the telephone on 05/28/04. Bavis indicated to me that Flynn "saw the whole thing." He said that Flynn witnessed Hoseeni grabbing him below the waist. Bavis also told me that Flynn indicated to him that he has seen the incident and would be willing to testify on his behalf. In a phone conversation on 06/04/04, Flynn told me that he never witnessed anything "criminal" and never saw Hoseeni touch anyone below the waist at any point.

Bavis is still a member of the Teamster's Union. He is, however, no longer allowed to work at the Hynes Convention Center.

It has been represented to me by Defense Counsel that, on the day that Hosseini was arrested, Bavis' supervisor Pat Geary asked Bavis what was going on. Bavis told him that Hoseeni was getting arrested and that he was getting "what he deserved." Geary confronted Bavis saying "he didn't deserve it and you know he didn't." Bavis then asked Geary if he wanted to step outside. Geary basically said something along the lines of "I'm not going to step outside, if you want to hit me hit me right here." At that point Bavis went to Hynes security to report that Geary had threatened him. I have been unable to get in touch with Pat Geary to confirm this story.

I spoke to the head of security at the Hynes Convention Center, Kevin McGuire. He stated that, on the day Hosseini was arrested, Bavis came to security to report that Geary had threatened him. Hynes security allowed Bavis to fill out a report but, according to McGuire, they didn't believe Bavis and did not pursue the claim. McGuire believes Bavis to have a "real problem with credibility." According to McGuire, Bavis has been banned from the Hynes because "he poses a danger to the employees there."

The only investigation done by the Detective as far as I know was to call Flynn. Bavis indicated to her that Flynn would support his memory of events. Flynn indicated to Detective Schroeder that Hoseeni never touched Bavis below the waist.

The victim's BOP indicates that his real name is Joseph Baris. Joseph Bavis is listed as an alias.

Let me know if you need anything else. Thanks Stacey.

-Joe

-----Original Message-----

**From:** Fortes-White, Stacey (SUF)  
**Sent:** Tuesday, June 08, 2004 11:29 AM  
**To:** Eisenstadt, Joseph (SUF)  
**Subject:** Commonwealth v Hussein

**Eisenstadt, Joseph (SUF)**

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From: Fortes-White, Stacey (SUF)  
Sent: Friday, June 11, 2004 3:04 PM  
To: Eisenstadt, Joseph (SUF).  
Cc: Galvin, William (SUF)  
Subject: Hosseini

000455

COMMONWEALTH OF MASSACHUSETTS  
BOSTON MUNICIPAL COURT  
CRIMINAL COURT DIVISION

SUFFOLK, ss.

No. 04-1774

Commonwealth of Massachusetts

v.

MOHSEN HOSSENI  
Defendant

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MEMORANDUM

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The victim in this case, Joseph Bavis, indicates that while employed for GES (they set up for events at the Hynes Convention Center) his supervisor inappropriately grabbed the victim's crotch. The victim stated that the only witness to this incident was the Security Guard, James Flynn, a former Police Officer. Bavis stated that Flynn witnessed the entire incident and would relay exactly the same story.

The Defense Attorney has provided me with a voluminous amount of GES and Union (the victim is a member of the Teamster's Union) documents indicating that the victim may have been on disability when the events occurred. There are differing dates on the incident report and complaint. I have had difficulty getting the victim to give me a date certain when these events took place. It appears that at least on some of the dates on the complaint and incident report the victim was on disability.

The victim has a lengthy record, has served Superior Court committed time on firearms charges and it appears that his true name may not even be Joseph Bavis.

On 06/04/04 I spoke to the Security Guard, James Walsh. Walsh stated that the incident never happened. He described Hosseni as being "overly huggy." He told me that Hosseni was affectionate and would put his arms around employees' shoulders if they did a good job etc. He speculated that this was because Hosseni is from the "old country" (he did not specify which old country that was). Flynn said that it bothered some of the employees and has since stopped. Flynn emphatically stated that the events never occurred the way Bavis alleges and he never once witnessed Hosseni touch anyone below the waist and never in a way that would be considered criminal (he based this on his experience as a former police officer).

The detective assigned to this case, Erin Schroeder, said she filed the report based solely on the persistent phone calls of Bavis and has no further evidence to support his claim. Bayis indicated to her that this had nothing to do with money or a civil suit and he was only concerned with the Defendant being criminally punished. Shortly after the complaint issued the Defendant filed a civil suit. Detective

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Joseph Eisenstadt  
Assistant District Attorney  
Suffolk County District Attorney's Office  
One Bulfinch Place  
Boston, MA 02114

Dated: June 6, 2004

000458

COMMONWEALTH OF MASSACHUSETTS  
BOSTON MUNICIPAL COURT  
CRIMINAL COURT DIVISION

SUFFOLK, ss.

No. 04-1774

Commonwealth of Massachusetts

v.

MOHSEN HOSSENI  
Defendant

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MEMORANDUM

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The Defendant in this case is accused of indecently assaulting Joseph Bavis. This is alleged to have occurred at the Hynes Convention Center. The Defendant is employed by GES, a company that sets up for conventions (sets up the chairs, tables, displays, etc.) When preparing for conventions in the Boston area, GES uses Teamsters for labor from a list provided to them by the Teamsters Union. The Defendant is a GES supervisor and was supervising Bavis (a Teamster) on the day the incident occurred. Bavis accuses the Defendant of putting his arms around him, kissing his neck and grinding his pelvis against Bavis'. This all occurred on the loading dock of the Hynes Convention Center.

I tried to call Bavis on May 7<sup>th</sup> but got a message stating that his mailbox was full and not accepting messages. Messages were left for the Bavis on May 17<sup>th</sup> and May 18<sup>th</sup> 2004. I spoke to him for the first time on the telephone on May 28<sup>th</sup> 2004. He told me that he was very upset regarding the incident. He said that a security guard was there and saw the whole thing. The security guard supposedly came up to Bavis afterwards and told him that he had seen what had just happened, that it was wrong and that he would come forward and talk to anyone Bavis wanted. The security guard's name is James Flynn, a former police officer.

On June 4<sup>th</sup> I got in touch with James Flynn over the phone. Flynn was emphatic in stating that he never observed any incident like the one Bavis described. He never saw the defendant touch Bavis in an inappropriate way. Flynn described the defendant as being "overly huggy." He explained that to mean that the defendant would put his arm around the shoulder of the workers if he was speaking to them and that it probably annoyed some of them but said he never witnessed anything criminal and never witnessed an incident as described by Bavis.

I spoke to Detective Erin Schroeder, the BPD Sexual Assault Detective that applied for the complaint in this case. She said that Bavis and Joe Perry (another Teamster who has made similar allegations) had called her constantly, numerous times every day trying to get the complaint applied for and so eventually she applied for the complaint and it was issued. She said Bavis had also told her that Flynn had witnessed the entire incident. After the complaint issued she spoke to Flynn who told her that he never witnessed anything as described by Bavis. Complaints naming Joe Perry as the victim were never applied for. Bavis told her that he was

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not planning a civil suit in this matter, it wasn't about money and that he just wanted to see the defendant be criminally punished. He has since filed a civil suit.

On June 8<sup>th</sup> 2004 I spoke to the head of Security at the Hynes Convention Center, Kevin McGuire. McGuire said he did not witness an incident as described by Bavis nor was such an incident ever reported to him. On the day the defendant was arrested, Bavis apparently got into an argument with one of the other employees, Pat Geary. Bavis then came into the security office to report that Geary had threatened him. McGuire allowed him to fill out an incident report but took no further action because he said he didn't believe Bavis. He said Bavis is not credible. Bavis has since been banned from the Hynes Convention Center by McGuire because McGuire determined that Bavis is a danger to the employees there. He told me off the record that this was based on an incident in which Bavis assaulted a nurse at the Hynes nursing station and stole some medication.

I have left two messages for Pat Geary that have not been returned.

There has been an issue with establishing the offense date in this case. The police report refers to incidents that occurred on December 22, 2003, February 12, 2003 and March 22, 2003. The offense date cannot be March 22, 2003 because that is the day that the defendant was arrested on these charges (at least weeks after it was first reported to BPD). I had been having a difficult time getting Bavis to give me a date certain on which this incident happened. Defense Counsel was looking for a bill of particulars so on June 8<sup>th</sup> I called Bavis to confirm a date. I asked Bavis if it occurred on December 22, 2003. He said that was the date the touching occurred on (and it is also the date he told Detective Schroeder that the incident occurred on). I then explained to Bavis that I have received documents showing that he was on disability on December 22<sup>nd</sup>, 2003. He said that it was true, he was on disability on December 22<sup>nd</sup> 2003 so the incident must have happened "some time in 2002."

Since we can't establish the date that the incident occurred upon, it is impossible to determine whether or not there is a video of the incident.

Bavis has given me a list of witnesses for me to contact. On June 6<sup>th</sup> he told me to contact Joe Perry, Ron Lewis, John Kenny, Billy Benner, James Demetrius and Morgan Crane.

I spoke to Joe Perry on the phone on June 9<sup>th</sup>. He stated that he did not witness the incident but saw the defendant sitting and crying immediately afterwards for five hours. Perry contacted Detective Schroeder to report being indecently assaulted by the defendant also but that complaint was never issued. Detective Schroeder felt there was not sufficient evidence to apply for a complaint naming Perry as the victim.

On 06/10/04 I left a message for Ron Lewis that was not returned.

On 06/11/04 I spoke to John Kenny. He said he witnessed the incident and corroborated Bavis' version of the events. He said that he saw the defendant put his arms around Bavis, kiss his neck and "give him a hump." Kenny could not tell me the date of the incident or who else may have been there and observed it.

On 06/11/04 I spoke to Billy Benner. He said he never saw the incident but had only "heard about it." He said no one said anything to him about it on the day it allegedly happened but he only learned about it some time later. He was unsure when it happened describing it as "quite a few months ago, maybe even a year ago."

There has been no answer at the number Bavis gave me for James Demetrius.

On 06/10/04 I spoke to Morgan Crane. He told me that he never witnessed any incident as described by Bavis. He said that he has never seen the defendant kiss anyone or touch anyone below the waist.

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On June 10, 2004 I met with Steven Casterline. Casterline is the head of GES operations in the Boston area. He is sometimes at the Hynes Convention Center but also goes to other locations where GES is operating. He told me that Bavis and Perry are a problem. He stated that they both have been disciplined numerous times by himself and the defendant for "laziness." Casterline said that after being disciplined, Perry and Bavis began making accusations against the defendant. He also referred to Bavis' allegation of being assaulted by Pat Geary. Casterline saw Bavis out in front of the Hynes on the day the defendant was arrested. When asked what he was doing, Bavis said that Geary had assaulted him and that he was waiting for the police to come arrest Geary. The police never responded and Bavis was sent home early. According to BPD there is no incident report relating to the alleged assault. Casterline said that he could predict exactly which employees Bavis wanted me to talk to. He said there were a handful of workers that were a problem. He described them as being lazy, not good workers and "trouble makers." Casterline said he has seen the defendant put his arm around a worker but has never seen anything he would consider inappropriate, has never seen the defendant touch anyone below the waist and has never seen the defendant kiss anyone. Casterline said that he wasn't there to protect the defendant so much as he was there to protect himself. He was afraid that false allegations could be made against him next time he has to discipline an employee.

On 06/10/04 I met with Bavis. Bavis illustrated to me what he says happened. He again referred to the offense date as "the 22<sup>nd</sup>."

Bavis said that the defendant was convicted of the same thing in Chicago. The defendant's interstate record shows no prior arrests.

Bavis has a lengthy record and has served Superior Court committed time on firearms charges. His record shows that his true name is Joseph Barris; Bavis is listed as an alias. As I was speaking to him on June 10, Bavis said that when he was younger if an incident like this had occurred he would have "broken out the ski masks."

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Dated: June 11, 2004

000461